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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,537	11/15/2001	Paul E. Bender	PA990480D1	5631
23696	7590	05/11/2006	EXAMINER	
QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			AHMED, SALMAN	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/002,537

Applicant(s)

BENDER, PAUL E.

Examiner

Salman Ahmed

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED on 5/2/2206 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-18.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____
13. ☐ Other: _____


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 3. NOTE: Applicant's amendment to independent claims 1, 3 and 14 raises new issues and will require further consideration and/or search. Specifically, the addition of limitation "delete said anchor point each time a session between an access terminal and the network ends" will require further consideration and/or search.

Response to Arguments:

Applicant's arguments see pages 7-11 of the Remarks section, filed 5/2/2006, with respect to the rejection of claims 1-18 under have been fully considered but they are not persuasive.

In regards to claims 1 and 14 Applicant argues that the Home Agents of Leung are not anchor points. However, examiner respectfully disagrees with this assertion as router/Home Agents can be thought of as anchor points.

In regards to claims 7 and 16 Applicant argues that Leung specifically teaches away from the standby Mobility Agent "changing intervals at which link advertisements are transmitted." However, Examiner respectfully disagrees with this assertion. The present claim language is broad and in view of the broadest reasonable interpretation of this language, Leung do teach changing intervals at which link advertisements are transmitted (the default hello time is between about 1 and 3 seconds and the default hold time is between about 3 and 10 seconds, Line 16 column 13-15).

In regards to claim 3 Applicant argues that Leung does not indicate that packets having a destination IP address equal to that of the IP address of said remote terminal should be delivered to said remote terminal". However, examiner respectfully disagrees with this assertion. Hello messages in OSPF do have ip address fields like "Designated IP address" and "Backup Designated IP address". In column 13 lines 14-21 and lines 39-41, Leung discloses "to negotiate with one another for the statuses of active and standby Mobility Agents, the Mobility Agents send hello messages.The format of such hello message is generally similar to that of the hello messages used in protocols such as OSPF".

In regards to claims 8, 9, 12, 13, 17 and 18 Applicant argues that Leung teaches away from "sending an ARP message informing entities that all packets with a destination address of said anchor point may be sent to an address of said another anchor point" as disclosed in claim 8, 9, 17 and 18 and "send an ARP message informing entities that all packets with a destination address of said anchor point may be sent to an address of said another anchor point" as disclosed in claims 12 and 13. However, examiner respectfully disagrees with this assertion. In view of the present claim language, Leung teaches sending an ARP message informing entities that all packets with a destination address of said anchor point may be sent to an address of another anchor point (column 23 lines 1-10, if the active Home Agent receives a packet from a corresponding node or Foreign Agent and decides that the optimal route is through the standby Home Agent, the active Home Agent could, under normal circumstances, send redirect instructions (an ICMP redirect packet) to the corresponding node. This would tell the corresponding node to use the standby Home Agent, and the node would then issue an ARP request for the standby Home Agent's primary address. Thereafter the corresponding node would route packets through the standby Home Agent and would use the real standby Home Agent MAC address (as opposed to the group virtual MAC address)). In regards to claims 9, 10, 11, 13 and 18 Leung teaches deactivating resources associated with anchor point; initializing said another access point (column 20, lines 59-67, if the active Mobility Agent decides on its own to relinquish it role as active Mobility Agent, it will also issue a resign message. Regardless, of the circumstances under which the resign message is issued, a router/Mobility Agent in the listen state receiving such message starts its active and standby timers and transitions to the speak state. A router in the speak state starts its active timer. Finally, a Mobility Agent in the standby state clears its active timer and transitions to the active state); changing intervals at which link advertisements are transmitted (column 15 lines 54-56, when an active Mobility Agent stops sending hello messages, the standby Mobility Agent will take over after the hold time expires),

Applicant further argues that flushing the network links advertisement by prematurely incrementing the advertisement's age to MaxAge is not "setting a first timer representing the maximum amount of time it should take for a low cost route to propagate throughout a network" as disclosed in claims 8, 9, 17 and 18, or "set a first timer representing the maximum amount of time it should take for a low cost route to propagate throughout a network" as disclosed in claims 12 and 13. However, examiner respectfully disagrees with this assertion. The present claim language is broad and in view of the broadest reasonable interpretation of this language, Moy does teach setting a first timer representing the maximum amount of time it should take for a low cost route to propagate throughout a network (page 71 section 12.4.2, paragraph four, a router that has formerly been the Designated Router for a network, but is no longer, should flush the network links advertisement that it had previously originated. This advertisement is no longer used in the routing table calculation. It is flushed by prematurely incrementing the advertisement's age to MaxAge). Moy in the same field of endeavor further discloses in page 18 section 3.5 - the cost of the route is the minimum cost to any of the networks falling in the specified range and in Section 9 page 35, Interface output cost(s): The cost of sending a data packet on the interface, expressed in the link state metric..